HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.W.P.No.1413 of 2001
Date of decision : 2.4.2007

District Rural Development Agency .....Petitioner

versus

Presiding Officer, Industrial Tribunal cum Labour Court, Panipat and others .....Respondents

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.Ashish Gupta, Advocate for the petitioner.
Mr.R.S.Longia, Advocate for respondent No.2.
Mr.Madan Gupta, Sr.DAG, Haryana for respondent No.3.

* * *

ORDER

HEMANT GUPTA, J.

The present writ petition is against the award dated 20.7.2000 whereby the respondent-workman was ordered to be reinstated with continuity in service and full back wages.

It is the case of the workman that he was appointed as Technical Assistant on temporary basis on 22.2.1994, but his services were illegally terminated without issuing any notice or retrenchment compensation on 21.2.1996 despite the fact that he has worked for 240 days in one calendar year. The aforesaid award was challenged by the petitioner on the ground that the establishment in which the workman was appointed is not an industry as defined under Section 2 (j) of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) and, therefore, the award of the learned Labour Court is not sustainable.

The petitioner has relied upon an order passed by the Division Bench of this Court on 7.7.2005 in Civil Writ Petition No.12862 of 2003 wherein in respect of the petitioner itself it has been held that it is not an industry within the meaning of Section 2 (j) of the Act. In view of the said Division Bench Judgment, the award passed by the learned Labour Court is not sustainable as the establishment under which the respondent-workman was employed is not an industry as defined under the Act.

Consequently, the award dated 20.7.2000 passed by the learned Labour Court is set-aside. The writ petition stands disposed of accordingly.

(HEMANT GUPTA)
JUDGE

April 02, 2007
**mohinder*